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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH P. CUVIELLO, *et al.*,
Plaintiffs,

No. C-06-5517 MHP (EMC)

v.
CITY OF OAKLAND, *et al.*,
Defendants.

**ORDER GRANTING PLAINTIFFS' EX
PARTE APPLICATION FOR ORDER
TO MODIFY SCHEDULING ORDER**
(Docket No. 159)

Plaintiffs have asked the Court for an extension of time to file a response to the SMG Defendants' motion for summary judgment on the basis that that motion was not timely served on Mr. Cuviello. The SMG Defendants do not oppose an extension for Mr. Cuviello but object to an extension of time for Ms. Bolbol since she was timely served and is represented by counsel.

While the Court is not entirely unsympathetic to the SMG Defendants' position, as a practical matter, it makes no sense as Plaintiffs wish to file a joint brief. Accordingly, the Court **GRANTS** Plaintiffs' request for an extension. Plaintiffs shall have until **12:00 p.m., February 20, 2009**, to file a response to the SMG Defendants' motion. The response to the City Defendants' motion remains due today.

This order disposes of Docket No. 159.

IT IS SO ORDERED.

Dated: February 18, 2009


EDWARD M. CHEN
United States Magistrate Judge